

monetary judgment against the City for already adopting the group's prejudicial and discriminatory position relative to the proposed group home. This is exactly the type of behavior the federal law is designed to protect against. Enabling this newly created entity, or any run-of-the-mill prejudicial, disgruntled citizen for that matter, to join federal litigation in which it has no stake would simply be opening the doors for an endless stream of discontents. That is not manageable, which is why the intervention rules, i.e., standing, exist in the first instance.

A party must have a proper legal interest to protect in order to intervene in an action. Movant has none. The "voice" asking to be heard is a group of neighbors who, under the municipal code, had a right to, and in fact did, participate in the process. Movant does not have an identifiable interest in the transaction at issue outside of that which it has already exercised – notice and an opportunity to be heard in the administrative process. That right, however, does not extend to this civil rights litigation.

F.R.C.P. 24. *Intervention*, provides:

(a) Intervention of Right. On timely motion, the court must permit anyone to intervene who:

(1) is given an unconditional right to intervene by a federal statute; or

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

(b) Permissive Intervention.

(1) *In General*. On timely motion, the court may permit anyone to intervene who:

(A) is given a conditional right to intervene by a federal statute; or

(B) has a claim or defense that shares with the main action a common question of law or fact.

Movant does not meet any of the criteria for either standard. The “neighborhood group” does not have any claims or defenses to anything related to whether Lindon City Code violates the Fair Housing Act. Therefore, the motion should be denied.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court deny the Motion to Intervene and award Plaintiff costs and fees for having to respond to the motion.

DATED this 5th day of December, 2018.

Respectfully submitted,

/s/ _____

Edward W. McBride, Jr.

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached MEMORANDUM IN OPPOSITION TO MOTION TO INTERVENE in Case No. 2:18CV00772 before the United States District Court, State of Utah, Central Division, was served upon the parties listed below via electronic notification generated by the Court's CM/ECF system on the 5th day of December, 2018.

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